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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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IAN R. BLACK,
#89017,

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Petitioner,

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BRIAN WILLIAMS, *et al.*,

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Respondents.

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This habeas matter under 28 U.S.C. § 2254 comes before the court on petitioner's motion (#6) for enlargement of time to file his application to proceed *in forma pauperis* and his application (#7) to proceed *in forma pauperis*.

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The petition reflects that petitioner Ian Black seeks to raise claims regarding his sentencing in connection with his 2009 Nevada state conviction, pursuant to a guilty plea, of burglary. Petitioner did not file a direct appeal. He pursued a state post-conviction petition through to a decision by the state supreme court.

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Petitioner did not properly commence the present federal habeas action because he submitted a petition without either paying the filing fee or filing an application to proceed *in forma pauperis*. The court gave him an opportunity to either pay the filing fee or file a pauper application “with all required attachments.” The court informed petitioner that a failure to comply fully with the order would result in the petition being dismissed without further advance notice. The clerk sent petitioner copies of the pauper form with the instructions. #2.

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Petitioner thereafter filed a pauper application without either an inmate account statement or a financial certificate. The court informed petitioner that "both" were required

2:10-cv-01805-JCM-VPC

ORDER

1 by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2. The court further informed petitioner that
2 if he again failed to timely submit a properly completed pauper application with all required
3 attachments, the court would dismiss the action without further advance notice. #5.

4 Petitioner once again has filed an incomplete pauper application. He has attached a
5 financial certificate but not an inmate account statement. *Both* are required. The e-mail
6 attached with the application does not explain the absence of the inmate account statement.
7 The application therefore will be denied.

8 Given that the federal limitation period appears to have expired since the filing of the
9 federal petition, the court will give petitioner one last chance to fully comply with the local rules
10 and the court's prior orders. Petitioner must attach **both** a financial certificate **and** an inmate
11 account statement with his pauper application. If petitioner again fails to file a properly
12 completed application, the court will direct the clerk to enter final judgment dismissing this
13 action, without any further prior orders providing additional notice to petitioner.

14 This is the last and final warning that petitioner will receive prior to a dismissal of the
15 case if he again fails to comply with the local rules and prior orders of the court.

16 IT FURTHER IS ORDERED that petitioner's motion (#6) for enlargement of time is
17 GRANTED *nunc pro tunc* and that petitioner's application (#7) to proceed *in forma pauperis*
18 is DENIED without prejudice.

19 IT FURTHER IS ORDERED that petitioner shall have thirty (30) days within which to
20 either pay the \$5.00 filing fee or file a new and properly completed application to proceed *in*
21 *forma pauperis* together with a new and properly executed financial certificate and an inmate
22 account statement.

23 The clerk of court shall send petitioner two copies of an *in forma pauperis* application
24 form for incarcerated persons.

25 DATED: May 9, 2011.

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28 JAMES C. MAHAN
United States District Judge